

FRC,TERMINATED

**U.S. District Court  
District of Oregon (Eugene)  
CIVIL DOCKET FOR CASE #: 6:05-cv-06015-HO**

Forest Service Employees for Environmental Ethics v. United  
States Forest Service  
Assigned to: U.S. District Judge Michael R. Hogan  
Case in other court: Ninth Circuit, 05-36221

District of Montana, Cv  
04-00133-M-DWM

Cause: 05:552 Freedom of Information Act

Date Filed: 01/19/2005  
Date Terminated: 12/21/2005  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**Forest Service Employees for  
Environmental Ethics**

represented by **David A Bahr**  
Bahr Law Offices  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

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**TERMINATED: 04/18/2005**  
**LEAD ATTORNEY**  
**PRO HAC VICE**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**U.S. Forest Service**  
*an agency of the U.S. Department of  
Agriculture*

represented by **James L. Sutherland**  
US Attorney's Office  
Mark Hatfield US Courthouse  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
01/19/2005	<u>1</u>	Original File, certified copy of transfer order and docket sheet received from District of Montana containing documents numbered 1-23. Transferor Court Case Number: CV 04-133-M-DWM. (sln, ) (Entered: 01/26/2005)
01/19/2005	<u>2</u>	Complaint originally filed on 7/8/04 in the USDC for the District of Montana. Filed by Forest Service Employees for Environmental Ethics against United States Forest Service.(sln, ) (Entered: 01/26/2005)

02/02/2005	<u>3</u>	Notice of Appearance of attorney James L. Sutherland. Filed by James L. Sutherland appearing on behalf of United States Forest Service.(sln, ) (Entered: 02/03/2005)
04/14/2005	<u>4</u>	Motion to Withdraw or Substitute an Attorney. Filed by Forest Service Employees for Environmental Ethics. (Bahr, David) (Entered: 04/14/2005)
04/18/2005	<u>5</u>	<b>ORDER:</b> by Judge Michael R Hogan. Granting Plaintiff's Motion for Withdrawal of Attorney Timohty Bechtold as counsel for plaintiff <u>4</u> . (sln, ) (Entered: 04/18/2005)
04/28/2005	<u>6</u>	Answer to Complaint. Filed by United States Forest Service.(sln, ) (Entered: 04/28/2005)
05/05/2005	<u>7</u>	Answer to Complaint. Filed by United States Forest Service.(sln, ) (Entered: 05/05/2005)
05/10/2005	<u>8</u>	Motion for Summary Judgment. Filed by Forest Service Employees for Environmental Ethics. (Bahr, David) (Entered: 05/10/2005)
05/10/2005	<u>9</u>	Concise Statement of Material Fact. Filed by Forest Service Employees for Environmental Ethics. (Related document(s): Motion for Summary Judgment <u>8</u> .)(Bahr, David) (Entered: 05/10/2005)
05/10/2005	<u>10</u>	Memorandum in Support. Filed by Forest Service Employees for Environmental Ethics. (Related document(s): Motion for Summary Judgment <u>8</u> .)(Bahr, David) (Entered: 05/10/2005)
05/10/2005	<u>11</u>	Declaration of David Bahr. Filed by Forest Service Employees for Environmental Ethics. (Related document(s): Motion for Summary Judgment <u>8</u> .) (Attachments: # <u>1</u> Exhibit H# <u>2</u> Exhibit I# <u>3</u> Exhibit J# <u>4</u> Exhibit K# <u>5</u> Exhibit L# <u>6</u> Exhibit M# <u>7</u> Exhibit N)(Bahr, David) (Entered: 05/10/2005)
05/10/2005	<u>12</u>	Declaration of James R. Furnish. Filed by Forest Service Employees for Environmental Ethics. (Related document(s): Motion for Summary Judgment <u>8</u> .)(Bahr, David) (Entered: 05/10/2005)
05/10/2005	<u>13</u>	Declaration of Jodi Heath. Filed by Forest Service Employees for Environmental Ethics. (Related document(s): Motion for Summary Judgment <u>8</u> .)(Bahr, David) (Entered: 05/10/2005)
05/10/2005	<u>14</u>	Declaration of Ryan Allen. Filed by Forest Service Employees for Environmental Ethics. (Related document(s): Motion for Summary Judgment <u>8</u> .)(Bahr, David) (Entered: 05/10/2005)
05/10/2005	<u>15</u>	Declaration of Andy Stahl. Filed by Forest Service Employees for Environmental Ethics. (Related document(s): Motion for Summary Judgment <u>8</u> .) (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C1# <u>4</u> Exhibit C2# <u>5</u> Exhibit C3# <u>6</u> Exhibit C4# <u>7</u> Exhibit D# <u>8</u> Exhibit E# <u>9</u> Exhibit F# <u>10</u> Exhibit G)(Bahr, David) (Entered: 05/10/2005)
05/11/2005	<u>16</u>	Motion for Summary Judgment. Filed by United States Forest Service. (sln, ) (Entered: 05/11/2005)
05/11/2005	<u>17</u>	Memorandum in Support. Filed by United States Forest Service. (Related document(s): Motion for Summary Judgment <u>16</u> .)(sln, ) (Entered: 05/11/2005)
05/11/2005	<u>18</u>	Concise Statement of Material Fact. Filed by United States Forest Service. (Related document(s): Motion for Summary Judgment <u>16</u> .)(sln, ) (Entered: 05/11/2005)
05/12/2005	<u>19</u>	<b>CIVIL MINUTES: Record of</b> Order by Michael R Hogan setting Plaintiff's Motion for Summary Judgment <u>8</u> and Defendant's Motion for Summary Judgment <u>16</u> for oral argument for 6/14/2005 at 11:00AM in Eugene before U. S. District Judge Michael R Hogan. (sln, ) (Entered: 05/12/2005)
05/12/2005	<u>20</u>	Certificate of Compliance <i>With L.R. 7.1</i> . Filed by Forest Service Employees for Environmental Ethics. (Related document(s): Motion for Summary Judgment <u>8</u> .)(Bahr, David) (Entered: 05/12/2005)

05/19/2005	<u>21</u>	Joint Unopposed Motion to modify briefing schedule; motion to reset oral argument hearing. Filed by United States Forest Service. (sln, ) (Entered: 05/23/2005)
05/19/2005	<u>22</u>	Declaration of James L. Sutherland. Filed by United States Forest Service. (Related document(s): Motion to continue <u>21</u> .)(sln, ) (Entered: 05/23/2005)
05/23/2005	<u>23</u>	<b>CIVIL MINUTES: Record of Order</b> – Joint Motion #21 to Extend Briefing and to Continue 6/14/05 Oral Argument on Motions for Summary Judgment #8 and #16 – granted. Response due by 6/3/2005. Optional Reply due by 6/30/2005. Oral Argument on plaintiff's Motion for Summary Judgment <u>8</u> and defendant's Motion for Summary Judgment <u>16</u> continued from 6/14/05 to 7/26/2005 at 11:00AM in Eugene before U. S. District Judge Michael R Hogan. Ordered by Judge Michael R Hogan. (lf, ) (Entered: 05/23/2005)
06/03/2005	<u>24</u>	Response to Motion for Summary Judgment <u>16</u> . Filed by Forest Service Employees for Environmental Ethics.(Bahr, David) (Entered: 06/03/2005)
06/03/2005	<u>25</u>	Concise Statement of Material Fact ; <i>Response Thereto</i> . Filed by Forest Service Employees for Environmental Ethics. (Related document(s): Motion for Summary Judgment <u>16</u> .)(Bahr, David) (Entered: 06/03/2005)
06/06/2005	<u>26</u>	Response in Opposition ( <i>to Plaintiff's</i> ) to Motion for Summary Judgment <u>8</u> . Filed by all defendants.(Sutherland, James) (Entered: 06/06/2005)
06/10/2005	<u>27</u>	Second Declaration of Rita M. Morgan. Filed by all defendants. (Sutherland, James) (Entered: 06/10/2005)
06/30/2005	<u>28</u>	Unopposed Motion for Extension of Time <i>Unopposed Motion to Reset Oral Argument</i> . Filed by Forest Service Employees for Environmental Ethics. (Bahr, David) (Entered: 06/30/2005)
06/30/2005	<u>29</u>	Reply <i>in Support</i> to Motion for Summary Judgment <u>8</u> . Filed by Forest Service Employees for Environmental Ethics.(Bahr, David) (Entered: 06/30/2005)
07/06/2005	<u>30</u>	<b>CIVIL MINUTES: Record of Order</b> – Plaintiff's unopposed Motion #28 to Continue 7/26/05 Hearing on motions #8 and #16 for Summary Judgment is granted. Oral Argument on Plaintiff's Motion for Summary Judgment <u>8</u> and defendant's Motion for Summary Judgment <u>16</u> continued from 7/26/05 to 9/13/2005 at 11:00AM in Eugene before U. S. District Judge Michael R Hogan. Ordered by Judge Michael R Hogan. (lf, ) (Entered: 07/06/2005)
09/09/2005	<u>31</u>	<b>CIVIL MINUTES: Record of Order</b> – Continuing Plaintiff's Motion for Summary Judgment <u>8</u> and Defendant's Motion for Summary Judgment <u>16</u> from 9/13/05 to Oral Argument set for 9/20/2005 at 10:45AM in Eugene before U. S. District Judge Michael R Hogan. Ordered by Judge Michael R Hogan. (lf, ) (Entered: 09/09/2005)
09/12/2005	<u>32</u>	Unopposed Motion to Continue. Oral Argument requested Filed by Forest Service Employees for Environmental Ethics. (Bahr, David) (Entered: 09/12/2005)
09/15/2005	<u>33</u>	<b>CIVIL MINUTES: Record of Order</b> – Plaintiff's unopposed Motion to Continue 9/20/05 hearing on Motions #8 and #16 for Summary Judgment is granted. Oral Argument on Plaintiff's Motion for Summary Judgment <u>8</u> and defendant's Motion for Summary Judgment <u>16</u> reset for 10/11/2005 at 10:30AM in Eugene before U. S. District Judge Michael R Hogan. Ordered by Judge Michael R Hogan. (lf, ) (Entered: 09/15/2005)
10/06/2005	<u>34</u>	<b>CIVIL MINUTES: Record of Order</b> – Continuing defendant's Motion for Summary Judgment <u>16</u> and plaintiff's Motion for Summary Judgment <u>8</u> from 10/11/05 to Oral Argument on 10/26/2005 at 11:00AM in Eugene before U. S. District Judge Michael R Hogan. Ordered by Judge Michael R Hogan. (lf, ) (Entered: 10/06/2005)
10/26/2005	<u>35</u>	<b>CIVIL MINUTES: Record of Proceedings:</b> – Oral Argument held on Plaintiff's Motion #8 and Defendant's Motion #16 for Summary Judgment – MOTIONS TAKEN UNDER ADVISEMENT David Bahr present as counsel for plaintiff. James Sutherland present as counsel for defendant. Court Reporter: Deborah Wilhelm. Michael R Hogan presiding. (Related document(s): Motion for Summary

		Judgment <u>16</u> , Motion for Summary Judgment <u>8</u> .) (lf, ) (Entered: 10/28/2005)
12/08/2005	<u>36</u>	Notice re Motion for Summary Judgment <u>8</u> , Motion for Summary Judgment <u>16</u> <i>Notice of Additional Authority</i> . Filed by David A Bahr appearing on behalf of Forest Service Employees for Environmental Ethics. (Related document(s): Motion for Summary Judgment <u>8</u> , Motion for Summary Judgment <u>16</u> .)(Bahr, David) (Entered: 12/08/2005)
12/08/2005	<u>37</u>	Declaration of David Bahr <i>in Support of Plaintiff's Notice of Additional Authority</i> . Filed by Forest Service Employees for Environmental Ethics. (Related document(s): Motion for Summary Judgment <u>8</u> , Motion for Summary Judgment <u>16</u> .) (Attachments: # <u>1</u> Exhibit Plaintiff's Ex. O# <u>2</u> Exhibit Plaintiff's Ex. P# <u>3</u> Exhibit Plaintiff's Ex. Q)(Bahr, David) (Entered: 12/08/2005)
12/20/2005	<u>38</u>	Notice of Change of Address and telephone. Filed by James L. Sutherland appearing on behalf of United States Forest Service.(sln, ) (Entered: 12/21/2005)
12/21/2005	<u>39</u>	<b>ORDER:</b> Signed on 12/20/05 by Judge Michael R Hogan. Denying Plaintiff's Motion for Summary Judgment <u>8</u> and Granting defendant's Motion for Summary Judgment <u>16</u> .This suit is dismissed. (sln, ) (Entered: 12/21/2005)
12/21/2005	<u>40</u>	Judgment – this action is dismissed. signed 12/21/05 by Deputy Clerk (sln, ) (Entered: 12/21/2005)
12/22/2005	<u>41</u>	Notice of Appeal to the 9th Circuit. Filed by Forest Service Employees for Environmental Ethics. (Attachments: # <u>1</u> Civil Appeals Docketing Statement) (Bahr, David) (Entered: 12/22/2005)
12/23/2005		Notification of Appeal from Notice of Appeal <u>41</u> sent to USCA for the 9th Circuit and counsel along with a copy of the docket sheet. (Related Document(s): Notice of Appeal <u>41</u> ) (sln, ) (Entered: 12/23/2005)
12/29/2005	<u>42</u>	Transcript Designation and Order Form regarding Notice of Appeal <u>41</u> <i>No Transcripts Designated/Ordered</i> . Filed by Forest Service Employees for Environmental Ethics. (Related Document(s): Notice of Appeal <u>41</u> ) (Bahr, David) (Entered: 12/29/2005)
12/30/2005		Notice confirming Docketing Record on Appeal re Notice of Appeal <u>41</u> <b>Case Appealed to Ninth Circuit Case Number 05–36221</b> assigned. (Related Document(s): Notice of Appeal <u>41</u> ) (sln, ) (Entered: 01/03/2006)
12/30/2005	<u>43</u>	Copy of Time Scheudle Order from USCA for the 9th Circuit re Notice of Appeal <u>41</u> . (Related Document(s): Notice of Appeal <u>41</u> ) (sln, ) (Entered: 01/03/2006)
01/05/2006	<u>44</u>	Certificate of Record transmitted to USCA for the 9th Circuit re Notice of Appeal <u>41</u> . (Related Document(s): Notice of Appeal <u>41</u> ) (sln, ) (Entered: 01/05/2006)
08/18/2006	<u>45</u>	Copy of Order from USCA for the 9th Circuit re Notice of Appeal <u>41</u> – reply brief due 8/25/06. (Related Document(s): Notice of Appeal <u>41</u> ) (sln) (Entered: 08/18/2006)
10/31/2007		Record on Appeal 05–36221 sent to the Ninth Circuit regarding Notice of Appeal <u>41</u> . (Related Document(s): Notice of Appeal <u>41</u> ) (sln) (Entered: 10/31/2007)
06/25/2008		Appeal Record Returned – 05–36221 returned from the Ninth Circuit regarding Notice of Appeal <u>41</u> . (2 Volumes) (cp) (Entered: 06/25/2008)
06/27/2008	<u>46</u>	MANDATE of USCA for the 9th Circuit re Notice of Appeal <u>41</u> . The Judgment of this court, entered 5/1/08, takes effect this date. CLERK (cw) (Entered: 06/27/2008)